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Summary record of the 2692nd meeting
Held at Headquarters, New York, on Thursday, 11 March 2010, at 3 p.m.

Chair: Mr. Iwasawa

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Uzbekistan
(CCPR/C/UZB/3; CCPR/C/UZB/Q/3 and Add.1)

1. *At the invitation of the Chair, the members of the delegation of Uzbekistan took places at the Committee table.*

2. **Mr. Saidov** (Uzbekistan) said that Uzbekistan had worked actively with United Nations human rights bodies since joining the United Nations. Thirty-two state agencies and 18 non-governmental organizations (NGOs) had participated in the preparation of the current report. In addition to written replies to the Committee's questions, the delegation had provided supplementary information on the implementation of the concluding observations and recommendations issued following the consideration of Uzbekistan's second periodic report (CCPR/C/UZB/2) and specific information on the rights of women and children and the independence of the courts.

3. Over the preceding four years, 10 new laws had been adopted and 15 codes and laws had been amended as part of the implementation of the Covenant and the Committee's concluding observations and recommendations. The new laws had addressed such issues as human trafficking, domestic violence, protection of civil and political rights, and violations of the rights of children and women. A law on combating human trafficking, a Presidential Decree establishing the National Plan of Action for greater effectiveness in combating human trafficking for 2008-2010, and the Supreme Court ruling on jurisprudence in cases that involved human trafficking had all been part of the implementation of the Committee's recommendations.

4. During 2009 Uzbekistan had held parliamentary elections, demonstrating the democratic nature of its electoral process and compliance of all participants with national legislation and international standards. For the second time, the 30 per cent quota for female candidates in a national election campaign had been met and one-fifth of all Members of Parliament were women. Uzbek language versions of handbooks on human rights published by the Inter-Parliamentary Union had been provided to deputies and senators.

5. In an effort to carry out the Committee recommendations, the Government had issued a Decr on a range of measures aimed at increasing financial, human and other resources available to Office of the Ombudsman and the National Centre Human Rights. The activities of human rig institutions in Uzbekistan were entirely in line with Paris Principles. The Parliament had adopted a l allowing the Ombudsman to meet and intervi detained and convicted persons and gain unfette access to penitentiary institutions and forbidding censorship of correspondence between convict persons and the Ombudsman. Some 10 laws had be adopted to encourage further democratization of mass media and to increase its involvement in ensuri openness and transparency of ongoing reforms and implementation of cutting-edge communicati technologies.

6. Numerous laws had been adopted to reform judicial system over the preceding five years. Measu had been taken to ensure judicial independen liberalize the system of penal sanctions, guaran compliance with due process of law by l enforcement agencies and strengthen the role independent courts. The democratic concept informing criminal suspects of their rights (the called "Miranda Rules") had been introduc guaranteeing access to defence counsel at any stage the criminal proceedings and from the moment confinement in the case of arrests.

7. Uzbekistan had conducted human rig information campaigns through government agenc and civil society institutions, educatio organizations, and academic centres. Over 20 le newsletters and journals on human rights topics w being published in Uzbekistan. All mass media outl accorded particular attention to the protection human rights. The provisions of the Covenant had be included in school and university curricula as well continuing education programmes for educato medical and social workers, journalists, lawyers, l enforcement officials and judges.

8. In 2009, Uzbekistan had adopted a National P of Action to implement the recommendations of Human Rights Council issued at its tenth sess following the universal periodic review. Over government entities and NGOs had been called on implement the section of the Plan on ensuring a protecting civil and political rights. During

preceding years, the Uzbek Parliament had ratified seven key international human rights conventions.

9. Both external threats and internal challenges had to be taken into consideration when evaluating the scope of measures taken by Uzbekistan to implement the provisions of the Covenant. Economic and social problems stemming from the global recession were having an impact in Uzbekistan, especially on the more vulnerable social groups. Internal challenges had included the transition of the legislative, executive, and judicial branches to the democratic system, as well as the task of developing a strong civil society and improving the level of legal knowledge within government organs, courts, and law enforcement agencies. Uzbekistan was facing further difficulties due to the grave environmental state of the Aral Sea, which affected national food security and access to safe drinking water, the unstable situation in Afghanistan, accompanied by the continuing production and sale of narcotics, and international terrorism and religious extremism, which posed a threat to stability and diverted resources.

10. Uzbekistan was committed to fulfilling its obligations under the Covenant. It supported all civil and political rights initiatives, in particular, the realization of the second phase of the World Programme for Human Rights Education, the adoption of the Declaration on Human Rights Education and Training, and the global moratorium on the death penalty.

11. **The Chair** noted with regret that the replies to the Committee's list of issues, which had been submitted in the Russian language by the delegation of Uzbekistan in December 2009, had not been translated into the working languages of the Committee. The issue was a matter of great concern to the Committee members and had been brought to the attention of the representative of the Secretary-General during the opening meeting. A meeting with the head of documentation services had been requested.

12. He invited the delegation to address questions 1-15 on the list of issues (CCPR/C/UZB/Q/3).

13. **Mr. Saidov** (Uzbekistan) expressed concern that technical difficulties had prevented the translation of the delegation's responses to the list of issues, underscoring the fact that both the report and the responses had been provided in one of the official languages of the United Nations.

14. **Mr. Rakhmonov** (Uzbekistan) said that rather than being applied directly, the provisions of the Covenant were being gradually incorporated into the Constitution and the various branches of national law. The United Nations treaty bodies had recommended that international human rights laws should be invoked when the courts of the Republic of Uzbekistan ruled on human rights cases and applied directly when assessing potential violations of human rights. Consequently, the Plenum of the Supreme Court had issued explanatory rulings to be invoked by the courts. Those rulings which were binding on investigative personnel and judicial authorities, had referenced international legal standards. The ruling of 2 May 1997, which had formed the basis for the national court system, had directly referenced article 11 of the Universal Declaration of Human Rights and article 14 of the Covenant. The ruling of 24 November 2009 on human trafficking had directly referenced the Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, to the Convention against Transnational Organized Crime, and had amended national legislation on human trafficking to reflect international standards.

15. The Government and the Supreme Court in particular, had always been responsive to the recommendation by the Human Rights Committee that interim measures should be taken to halt the execution of individuals whose cases had been under review and on which the Committee had transmitted its views to the Government. Uzbekistan had ratified the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, in 2008; therefore interim measures were no longer relevant. The death penalty had been abolished and a moratorium on its use had been in place since March 2005. No death sentence had been carried out since that time and all death sentences had been commuted to life imprisonment. The Committee had requested information regarding the measures taken in response to its Views to halt execution in accordance with Rule 92 of the Committee Rules of Procedure, and in the individual cases of *Agabekova*, *Khudayberganov*, and *Arutyunyan* the criminal division of the Supreme Court had commuted the sentences of those individuals to imprisonment. With regard to the other individual cases mentioned in question 2 of the list of issues, the death sentences had been carried out before the Committee had issued its Views.

16. **Mr. Saidov** (Uzbekistan) said that measures had been taken to strengthen the status of the Ombudsman. A new version of the law on the Ombudsman had been adopted that provided legal guarantees of the independence of the Ombudsman. Corresponding legislative changes had granted the Office broad rights with respect to meeting with detainees and convicted persons and had banned the censorship' of correspondence between inmates and the Ombudsman. Meetings and interviews between the Ombudsman and detained, arrested, and convicted persons were allowed, and furthermore, in response to complaints, the Ombudsman had the right to visit prisons without special permission. The Government had designated buildings and personnel for use by the Ombudsman. Recommendations issued by the Ombudsman in response to complaints were binding and had raised the status and the level of trust bestowed on that office.

17. Uzbekistan considered the Andijan events an exclusively internal matter. Demands for an independent, international investigation had no basis in international law. Uzbekistan, as an autonomous State, had conducted its own investigation of those events, basing it on national laws and interests, and had cooperated with the international community in its investigation. Between December 2005 and 1 June 2006, more than 700 diplomats and staff members of international organizations, including the United Nations, the World Bank, UNICEF and the European Parliament had visited the country, demonstrating Uzbekistan's willingness to discuss the events in a transparent manner. Uzbekistan considered the matter closed; the European Union had repealed its related sanctions against Uzbekistan.

18. **Mr. Akhmedov** (Uzbekistan) said that, in accordance with the Constitution of Uzbekistan, a state of emergency could be declared by the President with the agreement of the two chambers of the Parliament only under exceptional circumstances, such as an external threat, public disturbances, major catastrophes, natural disasters or epidemics. In accordance with the Constitution, the procedure for declaring a state of emergency was governed by the Act on the protection of the population and territories from natural and manmade emergency situations of 20 August 1999 and the National Program for forecasting and preventing states of emergency adopted on 3 August 2007. The Act, which was in conformity with the Covenant, protected the rights of citizens to defend their lives, health, persons, and property, as well as the right to means of collective and individual defence. The law had been designed to protect citizens during states of emergency by informing them of the risk to which they were exposed, and where free medical services, compensation and other benefits could be found, inter alia. In line with Committee recommendations, a draft law on states of emergency was being developed that would include additional guarantees to citizens and specify the conditions and procedures for declaring a state of emergency. The law would specifically guarantee the right to life, freedom of thought, conscience and religion, the non-retroactivity of legislation that criminalized or increased the penalty for an act committed during a state of emergency, and the right of citizens to compensation for harm resulting from the declaration of a state of emergency. A conference was planned on the issue of the rights of citizens during a state of emergency with the participation of the relevant national ministries and agencies, civil society, and international experts.

19. In contemporary Uzbekistan, the tradition of bride kidnapping had lost its relevance and had ceased to be a mass phenomenon violating the rights of women. Forced marriage was prohibited by law. A symbolic kidnapping ritual generally required the mutual consent of both the bride and the groom and was followed by registration of the marriage, thereby ensuring the protection of the bride's rights. Young people, and indeed the majority of the population, did not support those traditions and favoured contemporary practices. Forcing a woman into marriage or into staying in a forced marriage and kidnapping a woman in order to force her into marriage or to prevent her from getting married were criminal offences. The Criminal Code did not contain a specific provision on the kidnapping of young women because it fell within the scope of the broader crime of kidnapping. Polygamy, which was defined as the cohabitation of one man with two or more women in a joint household, was also prohibited in the Criminal Code. Polygamy was not recognized when an individual ceased all conjugal relations and initiated a separate, informal marriage. However, when a divorce had been granted as a formality and the perpetrator proceeded to live with both women, that arrangement was recognized as polygamy under the applicable law.

20. **Mr. Shodiev** (Uzbekistan), responding to question 6 on the list of issues, said that his Government's legislation on combating terrorism was in line with the guarantees provided in the Covenant. Under article 4 of the Terrorism Act, the fight against terrorism must be based on the adoption of laws against terrorism but also the respect of individual rights and freedoms. Article 2 of the Act gave an exhaustive definition of terrorist acts.

21. On the issue of torture, he said that not only was his Government's definition of torture under the Criminal Code in line with the Covenant and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but that anyone who committed torture was held criminally liable under article 235 of the Criminal Code. In an effort to prevent misinterpretation of the concept of torture, a working group had been established in May 2005 to develop commentaries on article 235. His Government had taken into account the Committee's recommendations and its general comment No. 22 in bringing to justice all persons who had committed acts of torture. A human rights unit in the Ministry of Justice and the Office of the Prosecutor had been established specifically to deal with individual human rights complaints. Furthermore, the Office of the Prosecutor conducted an ongoing analysis of the laws in effect and monitored the work of law enforcement officers. A yearly average of 1,000 complaints regarding, inter alia, torture, illegal imprisonment and illegal searches committed by law enforcement officers had been received from 2006 through 2008. As a result, criminal proceedings had been instituted in some 200 cases against law enforcement officers. In 2008, eight cases of torture and illegal detention involving personnel of the Ministry of the Interior and the customs authorities had been tried. Those found guilty had been imprisoned; not a single case of torture had gone unpunished. It should be noted that the use of power and appropriate ways to handle detainees was a major topic of discussion among law enforcement officers in Uzbekistan.

22. **Mr. Rakhmonov** (Uzbekistan), responding to question 8, said that marital rape and non-consensual acts in the absence of resistance were indeed covered by the Criminal Code, as was rape of a close relative. Turning to the issue of the right to life, he said that the Supreme Court had commuted all death sentences to life or similarly long prison sentences. Specifically, 16 death sentences had been commuted to life imprisonment and 32, to long prison terms. As for the imposition of the death penalty during the period leading up to its abolition, he said that although in principle the death sentences could no longer be imposed as from 2007, the death penalty had not been applied since 2005. The families of those for whom death sentences were carried out prior to 2005 were duly informed of the executions.

23. **Mr. Shodiev** (Uzbekistan), responding to question 12 on the list of issues, said that rates of crowding in prisons in Uzbekistan were comparable to that of other countries in Central Asia and Europe. In addition to monitoring implementation of international standards on women detainees, the Government had signed an agreement in 2001 with the International Committee of the Red Cross (ICRC) that allowed it unfettered access to all prisons in Uzbekistan. Article 3 of the agreement stipulated that ICRC would have access to all detainees, including pretrial detention centres and police stations. In 2007, ICRC had conducted 12 visits of prisons and detention centres.

24. Turning to the issue of juvenile detention centres, he said that juveniles were detained separately from adults and accorded treatment appropriate to their age. Juvenile offenders were given such rights as receiving packages and visits, and a number of events were held by the detention centre to ease the juveniles' difficult circumstances. Three months before their release, juveniles were provided with social adaptation classes to prepare them for their return to life outside the centre. There were just eight females in the centre for juvenile female offenders.

25. **Mr. Rakhmonov** (Uzbekistan), responding to question 13 on the list of issues, said that for several years, Uzbekistan had been working closely with a number of organizations internationally to better understand and apply habeas corpus. Given that during the period of detention, preliminary investigations were often very involved, a period of 72 hours remained the most acceptable time frame for pretrial detention. Detainees enjoyed all the rights of suspects, including the right to participate in the case, the right to legal advice and the right to inform relatives of their detention and location. A 72-hour period of pretrial detention had to be decided by the courts and was usually reserved for only the most serious crimes.

26. **Mr. Thelin** expressed appreciation for the State party's timely submission of its report. The Organization's English translation services, and not the State party, were responsible for the fact that an official English version of the written replies had not been provided in time for the Committee's consideration; in that connection, he encouraged the State party to use its good offices as a member of the General Assembly to ensure that such problems did not arise in future.

27. Turning to the State party's periodic report, he said that contrary to the presentation given by the delegation, the information received by the Committee, including from the organization Human Rights Watch, seemed to indicate that progress towards democracy and rule of law had come to a halt.

28. With regard to question 1 on the list of issues, he wished to know whether the State party had considered the total incorporation of the Covenant into domestic law to facilitate its direct invocation to protect human rights. Turning to the issue of the death penalty, he noted with satisfaction that it had been abolished in Uzbekistan. However, it was regrettable that a number of cases tried prior to 2005 had led to executions even as they were being considered by the Committee as individual complaints. The reporting State should clarify which mechanisms existed to satisfy the requests for remedy put by the Committee in its Views.

29. On question 3, given that the Parliament was not a particularly pluralistic body, the Office of the Ombudsman might be seen as representing only the views of the Parliament; clarification as to the Office's independence, as required under the Paris Principles, would be appreciated. Noting that of 9,962 communications received by the Office of the Ombudsman, a mere 301 had been examined on the merits, he asked what actions the Government had taken against the authorities found to be in the wrong. Clarification of close cooperation with international organizations by that Office as referred to in the State party's written replies would also be useful, particularly given the introduction of the phrase "illegal non-governmental organizations" in the Criminal Code and the fact that a number of United Nations special rapporteurs and Human Rights Watch staff continued to be denied entry into Uzbekistan, according to information received.

30. With regard to question 4, he disagreed with the State party's view that the events that had taken place in Andijan in 2005 were an internal matter. The Committee was concerned about possible violations of the right to life, as a number of independent observers had claimed that significant numbers of demonstrators had been killed and that none of the perpetrators had been brought to justice. The fact that the members of the European Union had lifted the sanctions imposed on Uzbekistan following the Andijan events did not bind the Human Rights Committee to do the same; it was his understanding, moreover, that the European Union had lifted those sanctions without prejudice to any human rights violations. The State party should consider inviting an impartial international organization to conduct a thorough investigation of the events.

31. Turning to the issue of habeas corpus, he said it would be useful to learn what level of evidence judges required in order to rule in favour of detention, as well as any less-intrusive alternatives available to them. The State party should also clarify whether court hearings in which habeas corpus was invoked were public or private. Finally, he understood that according to a recent decree, all lawyers practising in Uzbekistan were collectively responsible for monitoring the work of the Ministry of Justice. In that connection, he questioned the independence of the judiciary in pretrial hearings.

32. **Ms. Motoc** enquired as to the status of legislation on states of emergency, which, according to information received by the Committee, was not in line with the provisions of the Covenant. The reporting State should also indicate whether individuals could avail themselves of effective remedies during such periods. Turning to the issue of terrorism, the Committee had received information according to which many people were charged with terrorism without the necessary evidence. It would be useful to learn on what grounds, specifically, alleged terrorists could be arrested.

33. **Ms. Keller** said that the booklet of supplementary information provided by the delegation was very useful, and asked how it was being distributed in Uzbekistan. She also noted that the delegation had no female members, even though she was sure the country had many suitably qualified women. Including women in the delegation would demonstrate that non-discrimination was a living principle in society and in Government, rather than merely in legislation.

34. Referring to the responses to question 7 on the list of issues, she asked for further information about the 45 criminal cases in 2008 relating to forced marriage that had been closed following agreements between the parties, in particular whether the charges had been dropped and if the parties had remained married. She would also appreciate statistics on the same issue for 2009. Similarly, there had been 16 cases relating to polygamy in 2008, and she sought more information on how they had been resolved, as well as the figures for 2009. She asked what steps had been taken to implement the prohibition of polygamy, noting that the definition of polygamy given in Uzbekistan's recent responses to the list of issues of the Committee on the Elimination of Discrimination against Women (CEDAW/C/UZB/Q/4/Add.1) seemed to exclude cases where a man cohabited with two or more women but did not share one household and where a person who had not dissolved a marriage ceased to have marital relations and entered a new marriage. If that was indeed the case, did the Government intend to amend legislation to include those cases? Polygamy being generally accepted by the people of Uzbekistan, she asked whether any measures were being taken to address the traditional justifications for the practice. She also requested further details on efforts to raise awareness about bride abduction. It was the Committee's understanding that, despite recommendations to the contrary, the State had not raised the minimum age for women to marry; she asked what the Government was doing to combat the traditional practice of arranging marriages for girls at the earliest possible age.

35. Turning to question 8 on the list of issues, she asked whether there were any plans to work with the media to encourage a non-stereotypical portrayal of women. She would also be interested to know whether any data had been collected on violence against women and whether there had been any legal reform to address the issue of domestic violence. The Committee had received information that almost all the domestic violence centres that had been established had been forced to close and that the three social adaptation centres that had been established with support from the United Nations Population Fund (UNFPA) had lost their funding and were now simply used by local governments for administrative purposes. She therefore asked what the Government was doing to remedy that situation and to ensure that women fleeing from domestic violence had access to shelter.

36. **Sir Nigel Rodley**, referring to question 9 on the list of issues, welcomed the progress that had been made with the abolition of the death penalty. The ratification of the second Optional Protocol to the Covenant demonstrated Uzbekistan's commitment to the institutionalization of abolition. Some issues remained unresolved, however. The Committee had requested information on the implementation of its previous recommendation regarding the information given to the relatives of persons that had been executed prior to 2005. Merely stating that relatives had been informed in accordance with the law then in force suggested that they had in fact still not been given full information about the date of death, place of burial or issued a death certificate, which would constitute cruel, inhuman and degrading treatment of the families, as addressed in article 7 of the Covenant. He would therefore welcome clarification on those points, in particular whether the families had been informed about the places of burial. With regard to the commutation of the sentences of those on death row when the death penalty was abolished, he asked what criteria, legal basis and process the Supreme Court had used in deciding the length of sentence to be imposed. The Committee had received information that those decisions had been taken in secret, with no involvement from lawyers or family members, and that the families had not even been informed until more than 10 days after the decisions had been taken, meaning that life sentences could not be challenged judicially.

37. With regard to question 10 on the list of issues, there appeared to be a contradiction in the delegation's written response with regard to the compliance of article 235 of the Criminal Code with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on the one hand saying that it was in compliance, while on the other suggesting that measures were being taken to bring it into line. In any case, it was hard to see how the article could be in compliance, since it included only a very limited range of potential victims: a suspect, an accused person, a witness, victim or other party to criminal proceedings, a convict serving a sentence or a close relative of such persons. The Convention against Torture also made reference to persons who, in an official capacity, consented or acquiesced to torture, not just to persons instigating or inflicting torture, which was not included in article 235. That might be the reason that even when charges were made in cases of serious ill-treatment,

they tended to be for other offences, such as the abuse of authority, rather than torture.

38. Turning to question 11, he noted that the delegation had stated that torture was illegal and that there were mechanisms in place to ensure that it did not happen, including new provisions relating to access for lawyers, the exclusion of information obtained through torture and visits by the International Committee of the Red Cross. However, the Committee had received information from a wide range of non-governmental organizations suggesting that in fact the situation had not improved over the past five years. It was being bombarded with examples of torture still occurring with impunity, which suggested that those measures were not effective in practice. After citing a number of the allegations that had been made, he said that it was hard to reconcile all the information received to get a clear picture of the overall situation. It was commendable that detainees had the right to inform a lawyer or family member immediately, and that a lawyer could participate at all stages of the proceedings. However, he asked for clarification about when exactly the proceedings were understood to begin. Did lawyers have the right to be present from the moment of apprehension, or only at a later stage?

39. With regard to question 14, he reaffirmed the Committee's view that 72 hours' detention before being brought before a judge was excessive. The Committee understood that the prosecutor could even prolong that period for a further 10 days; he sought clarification on the means and authority required for such a prolongation. With regard to the proposal to reduce the detention period to 48 hours, he noted that it was unusual for the legislature and the judiciary to want a longer period than the executive department responsible for the detention, so he would appreciate further information about what had led to that apparent conflict.

40. **Ms. Wedgwood**, referring to question 12 on the list of issues, welcomed the news that the Ombudsman and the International Committee of the Red Cross had been able to visit places of detention in Uzbekistan, but noted that procedures for such visits remained difficult. The May 2009 report from the International Commission of Jurists had stated that torture was still prevalent in prisons, a claim that was backed up by reports from former prisoners. Indeed, the number of complaints received showed that whatever mechanisms were in place were not an effective deterrent. Citing some recent allegations of torture that had been brought to the Committee's attention, she said that the continuation of such practices was a disgrace.

41. Turning to question 15 on the list of issues, she noted that even before addressing the issue of separate detention, the Committee had also received reports of torture against juvenile and female detainees, which would be an embarrassment to any State. The written replies had referred to a single facility housing detainees from ages 13 to 21, even though the Covenant stipulated that those under 18 should be detained separately. It was her understanding that juveniles were still transported to court in the same vehicle as adults, and even though the children had separate cells, the conditions in those cells appeared to be excessively harsh. She invited the delegation to comment on that issue, including on the allegations of beatings of children.

42. Since she would not be able to attend the following day's meeting, she proceeded to address question 19 on the list of issues. The term harassment seemed too mild to convey the situation of independent reporters in Uzbekistan, who faced not only such technical difficulties as Internet restrictions and the requirement to have accreditation from the Ministry in order to work for the foreign media, but also the threat of incarceration. Citing several examples of harassment that had come to the Committee's attention, she said that although it was always possible to manufacture such cases, the fact that there was a pattern was troubling and even reminiscent of Soviet times. The Government appeared to be unwilling to engage in an open discussion on the matter, but she hoped the delegation would be able to provide some cause for optimism that such retaliation against journalists could change.

43. **Mr. O'Flaherty**, noting the delegation's assurance that the Office of the Ombudsman was compatible with the Paris Principles, said that the only way of certifying such compatibility was by applying for accreditation to the International Coordinating Committee of National Human Rights Institutions; he wondered why Uzbekistan had not taken that step and if it planned to do so.

44. Regarding the legal framework for the operation of civil society, he would like to know if there were plans to amend the Criminal Code prohibitions regarding statements hostile to the State or critical of

the human rights situation, which had an inhibiting effect on journalists, non-governmental organizations and human rights defenders; if the Government was doing anything to control the repeated denigration of the country's human rights defenders in State-supported media and television programmes, and if it intended to carefully examine the specific cases in which human rights defenders had been intimidated or arrested and abused.

45. The criminalization of same-sex sexual activity in article 120 of the Criminal Code violated the Covenant, especially the non-discrimination and privacy provisions, and consequently the State party had an obligation to repeal that article.

46. **Mr. Amor**, noting that polygamy was not only socially accepted but also legally accepted in principle in Uzbekistan, asked how the Government was combating that misogynistic tradition. He drew attention to the Committee's general comment No. 28, in which polygamy was clearly identified as a human rights violation contrary to the dignity of women. The process of changing mentalities was of course a long one, but the State had the power to act more quickly to amend its legislation.

47. On the issue of anti-terrorism — in whose name so many crimes were committed throughout the world — no Government could set aside human rights in the process, especially in the case of those who might have been unjustly accused of terrorism. He asked for comments on how Uzbekistan's legislation on terrorism was compatible with the Covenant.

48. The delegation had made a distinction between extremism as an internal matter and terrorism, but the two could easily overlap. It would be interesting to know if the concept of extremism had been legally defined or, if it was only a political concept, whether it was used a priori against opponents.

49. **Mr. Salvioli** said that, in addition to dealing with the troubling Criminal Code prohibition of same-sex relations between consenting adults, which was contrary to the Covenant, the State had an obligation to prevent discrimination in society against homosexuals and lesbians, and even their outright harassment. Information would be useful on what the Government was doing to educate its people on that score.

The meeting was suspended at 5.40 p.m. and resumed at 5.50 p.m.

50. **Mr. Saidov** said, before responding to questions, that while the delegation appreciated the Committee's great interest in the situation in Uzbekistan, it had been outraged and offended by the disgraceful accusations made by some Committee members that his Government was not upholding human rights. The delegation had come expecting a respectful dialogue of equals, and the Committee had no right to preach to it.

51. His Government respected the work of Uzbek non-governmental organizations, which had been closely involved in the drafting of its report. It had studied the shadow reports submitted by NGOs to the Committee, but did not agree with all the points made. The Committee should not necessarily trust information that came from outside sources.

52. The Andijan issue was closed, once and for all. To Mr. Thelin, he would point out that there was no binding provision in any international instrument that could compel Uzbekistan to invite an international investigation. The European Union resolution lifting sanctions against Uzbekistan and the refusal of the General Assembly to adopt a resolution sanctioning it were international legal assessment enough of the Andijan events.

53. His Government was one of the few which had concluded a bilateral agreement with the ICRC allowing it to visit all prisons freely — quite a change from the Soviet era. Yet its cooperation with the ICRC was, by agreement, strictly confidential, and there had clearly been a disquieting breach of that confidentiality if a Committee member could cite details from a 2009 ICRC prison visit.

54. All three branches of his Government condemned the use of torture, and would never justify even a single instance of it. Committee members should make only prudent and objective assessments of the situation in a country, and he failed to understand why they preferred the word of NGOs over that of his Government. In 2007, Uzbekistan had protested when a former Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, Mr. van Boven, had, after asserting that he himself had never written his reports on Uzbekistan but merely signed them, overstepped his mandate and made an allegation of systematic torture in Uzbekistan. Mr. Nowak, the then Special Rapporteur on torture had responded that in fact there was no international legal

definition of the criteria for systematic or widespread torture.

55. Mr. Amor and others had correctly noted that in safeguarding human rights it was essential to bring about a gradual change of mentality. Indeed, Uzbekistan's priority was to change people's perception, and its main challenge was to train people in a culture of human rights, especially those involved in law enforcement. In that connection, it was proud to have proposed the adoption of a United Nations declaration on human rights, which was expected to be adopted at the next session of the Human Rights Council.

56. There was a big distinction between enacting laws and enforcing them, and reducing that gap was another priority of his Government, which recognized that there were problems in the country.

57. He appreciated the remarks regarding habeas corpus, which was indeed a revolution in law enforcement in his country. The Government now needed to work with judges, magistrates, prosecutors and other law enforcement officials regarding its application. In doing so, it would act transparently and would hide nothing from the international community or its population.

The meeting rose at 6.05 p.m.